IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.371 OF 2004

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Shanmugaraja Shipping Mills
Ltd. ...Petitioner

v/s.

M/s.Prestige International
and anr. ...Respondents

...

Mr.Y.P. Yagnik for the Petitioner.

Mr.A.Y.Bookwala with Mr.Tushar Bhavsar i/b A.V.Jain & Associates for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 16TH JANUARY,2006

P.C.:

1. The Respondents have raised an objection to the maintainability of the petition. According to the Respondents, the petition is barred by the law of limitation. In paragraph 5 of the Petition, the Petitioner states thus:-

> 5. The Applicant states that the Applicant has received impugned Award dated 12-08-2003 posted on 18-8-2003 at Mumbai after six days of order and received on 23-8-2003 only, therefore, the present Application is well within the limitation.

2. Thus, the period of three months which is provided by Section 34 of the Arbitration Act for

filing the petition will commence on 24-8-2003 and would expire on 24-11-2003. Under Section 34 of the Arbitration Act, the court has power to condone the delay of maximum period of 30 days. That period would be over on 24-12-2003. As per the office record, this petition has been lodged in the court on 31-12-2003. Petition, thus, is barred by the law of limitation. It is disposed of as such.

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